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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

990589RE/LH

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,255,646, granted July 3, 2001 and for which a reissue patent is sought on the invention entitled SCANNING OPTICAL MICROSCOPE.

the specification of which

- is attached hereto.
- was filed on July 2, 2003 as reissue application number 10/613,664
and was amended on _____.
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

- I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At last one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

One error upon which reissue is based is that the original patent fails to claim the feature of the side-on type photo-multipliers now recited in new claim 7, and unnecessary limitations of "a plurality of image forming optical systems" and "a plurality of confocal apertures" have been removed in new claim 7.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

OCT 20 2003

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PTO/SB/51 (06-03)

Approved for use through 01/31/2004. OMB 0551-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number:

Leonard Holtz (Reg. No. 22,974), Herbert Goodman (Reg. No. 17,081),
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Yoshihiro SHIMADA

Inventor's signature *Yoshihiro Shimada*

Date Oct. 2, 2003

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Full name of second joint inventor (given name, family name)

Inventor's signature

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Full name of third joint inventor (given name, family name)

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 Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.